

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

JENS H.S. NYGAARD,

Plaintiff,

v.

FÉDÉRATION INTERNATIONALE DE
L'AUTOMOBILE, FORMULA ONE
MANAGEMENT LTD., FORMULA ONE
WORLD CHAMPIONSHIP, MERCEDES-
BENZ GRAND PRIX LTD., DAIMLER AG,
LEWIS HAMILTON, RED BULL
TECHNOLOGY LTD., RED BULL RACING
LTD., FERRARI S.P.A., CHARLES LECLERC,
and DALLARA AUTOMOBILI S.P.A.,

Defendants.

Case No. 6:20-cv-00234-ADA

JURY TRIAL REQUESTED

STIPULATION AND ORDER

Plaintiff Jens Nygaard (“Plaintiff”) and defendants Red Bull Technology Ltd. and Red Bull Racing Ltd. (collectively “Red Bull”) hereby agree and stipulate, and the Court HEREBY ORDERS, as follows:

1. All of Nygaard’s claims against Red Bull and all of Red Bull’s defenses to Nygaard’s claims are severed for a separate pre-trial conference and a separate trial from all of Nygaard’s claims against defendants Fédération Internationale de l’Automobile (“FIA”), Formula One Management Ltd. and Formula One World Championship (collectively “F1”) and all of FIA’s and F1’s defenses to Nygaard’s claims.

2. The separate pre-trial conference and trial between Nygaard and Red Bull will occur after a final judgment or dismissal is filed that resolves all of Nygaard’s claims against FIA and F1 after the separate trial among Nygaard and FIA and F1.

3. Nygaard and Red Bull will agree upon a separate schedule for the exchange and submission of pre-trial disclosures, motions *in limine*, and their pre-trial order in advance of the separate pre-trial conference for the separate trial between Nygaard and Red Bull.

4. Red Bull will not be bound or precluded by any “**FIA/F1 Findings**” defined as: any rulings, orders, opinions, decisions, conclusions, findings, verdicts and judgments by the Court or the jury, and any arguments, statements, admissions and/or stipulations by Nygaard, FIA and/or F1, regarding any of Nygaard’s claims against FIA and/or F1 or any of FIA and/or F1’s defenses to Nygaard’s claims, whether made before, during or after the separate pre-trial conference or the separate trial among Nygaard and FIA and F1. By way of example only, Red Bull will not be bound or precluded by any **FIA/F1 Finding** that the accused Halo infringed any asserted claim of the ’178 patent, that any Formula One team including Red Bull Racing infringed any asserted claim of the ’178 patent, that any asserted claim of the ’178 patent is not invalid, or that Nygaard should recover damages from FIA or F1 for any infringement.

5. Paragraph 4 above shall not apply to any **FIA/F1 Finding** for which Red Bull participated in the submissions to the Court that led to the **FIA/F1 Finding** by, for example, joining a joint motion or joint opposition filed by Red Bull, FIA and F1.

6. This stipulation and order shall have no effect on whether and, if so, to what extent Nygaard will or will not be bound or precluded by any **FIA/F1 Findings**, which will instead be determined in accordance with any applicable preclusion doctrines, including for example law of the case, issue preclusion, collateral estoppel, claim preclusion, res judicata, and judicial estoppel.

SO ORDERED, this ____ day of April, 2022.

ALAN D. ALBRIGHT
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2022

Respectfully submitted,

By: /s/ Daron R. Dacus

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